

CITATION
THE STATE OF TEXAS
CAUSE NO. D-1-GN-21-004586

ANDREA DE LEON

, Plaintiff

vs.
JPF TRUCKING, INC. AND ADKHAMJON KHASANOV

, Defendant

TO: JPF TRUCKING INC
BY SERVING ITS REGISTERED AGENT RAMON SANDOVAL
EVLSIZOR PROCESS SERVER LLC
9155 TREE VLG
SAN ANTONIO, TEXAS 78250

Came To Hand: 9/17/21
Delivered: 9/14/21
By: AS

Defendant, in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Attached is a copy of the PLAINTIFF'S ORIGINAL PETITION of the PLAINTIFF in the above styled and numbered cause, which was filed on AUGUST 30, 2021 in the 345TH JUDICIAL DISTRICT COURT of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, September 02, 2021.

REQUESTED BY:
TIMOTHY BLAIR MOSS
6618 SITIO DEL RIO BLVD STE C101
AUSTIN, TX 78730
BUSINESS PHONE: (512) 684-8900 FAX: (512) 684-8920



Valerie L. Price
Travis County District Clerk
Travis County Courthouse
1000 Guadalupe, P.O. Box 679003 (78767)
Austin, TX 78701

PREPARED BY: RODRIGUEZ ALEXUS X

----- RETURN -----

Came to hand on the 7 day of Sept., 2021 at 12:14 o'clock P. M., and executed at
_____ within the County of _____ on the _____ day of
Sept., 2021, at _____ o'clock _____ M.,
by delivering to the within named _____, each in person, a true copy of this citation
together with the PLAINTIFF'S ORIGINAL PETITION accompanying pleading, having first attached such copy of such citation to such copy of pleading
and endorsed on such copy of citation the date of delivery.

Service Fee: \$ _____

Sheriff / Constable / Authorized Person

Sworn to and subscribed before me this the _____

By: _____

_____ day of _____,

Printed Name of Server_____
Notary Public, THE STATE OF TEXAS_____
County, Texas

D-1-GN-21-004586

SERVICE FEE NOT PAID

P01 - 000110978

EXHIBIT
C

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8/30/2021 4:49 PM

Velva L. Price
District Clerk
Travis County
D-1-GN-21-004586
Alexus Rodriguez

CAUSE NO. D-1-GN-21-004586

ANDREA DE LEON § IN THE DISTRICT COURT

PLAINTIFF §

V. §

345TH JUDICIAL DISTRICT §

JPF TRUCKING, INC. AND
ADKHAMJON KHASANOV §

DEFENDANTS §

TRAVIS COUNTY, TEXAS §

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Andrea De Leon ("Plaintiff") and files this petition against JPF Trucking, Inc. and Adkhamjon Khasanov ("Defendants"), and alleges as follows:

1.0 DISCOVERY CONTROL PLAN

1.1 Plaintiff requests discovery be conducted under Tex. R. Civ. P. 190.4 (Level 3).

2.0 PARTIES

2.1 Plaintiff, Andrea De Leon, resides in Austin, Travis County, Texas.

2.2 Defendant JPF Trucking, Inc. is a Pennsylvania-based for-profit corporation, which operates as an interstate motor carrier under the auspices of U.S. D.O.T. No. 2368408 and MC813096. JPF Trucking's corporate office is located at 11880 Bustleton Ave, Suite 212, Philadelphia, PA 19116-2538. JPF Trucking may be served in Texas through their **registered agent, Ramon Sandoval, Evilsizer Process Servers, L.L.C., at 9155 Tree VLG, San Antonio, TX 78250.**

2.3 Defendant, Adkhamjon Khasanov (hereinafter, "Khasanov"), is an individual who resides in the state of Pennsylvania. This Defendant was operating a commercial motor vehicle on IH-35, Austin, Travis County, Texas, when he caused the motor vehicle collision

made the basis of this lawsuit. **Adkhamjon Khasanov maintains his home address at 735 Kentwood St., Unit B2, Philadelphia, PA 19116.** Service of process with respect to Defendant Khasanov may be accomplished by serving the Texas Transportation Commission Chair as agent for Defendant Khasanov, pursuant to TEX. CIV. PRAC. & REM. CODE § 17.062, at the following address: c/o J. Bruce Bugg, Jr., Chairman, Texas Transportation Commission, 125 E. 11th Street, Austin, Texas 78701-2483

2.4 Pursuant to TEX. CIV. PRAC. & REM. CODE §17.065(a), Defendant Khasanov may also be served with petition and citation at his residence located at 735 Kentwood St., Unit B2, Philadelphia, PA 19116 if the notice of service on the chairman cannot be effected by registered or certified mail.

3.0 JURISDICTION & VENUE

3.1 The amount in controversy in this case is within the jurisdictional limits of this Court.

3.2 Pursuant to Tex. R. Civ. P. Section 47 (c)(3), Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00.

3.3 Venue is proper in Travis County, Texas, pursuant to TEX. CIV. PRAC. & REM. CODE §15.002(a)(1) since Travis County is the place where the subject crash occurred.

4.0 FACTS

4.1 Defendant JPF Trucking, Inc. (hereinafter, "JPF Trucking") is an interstate freight carrier operating under the auspices of US. DOT No. 2368408. JPF Trucking hired and/or employed Defendant Adkhamjon Khasanov (hereinafter, "Khasanov") as a commercial driver to operate its commercial vehicles.

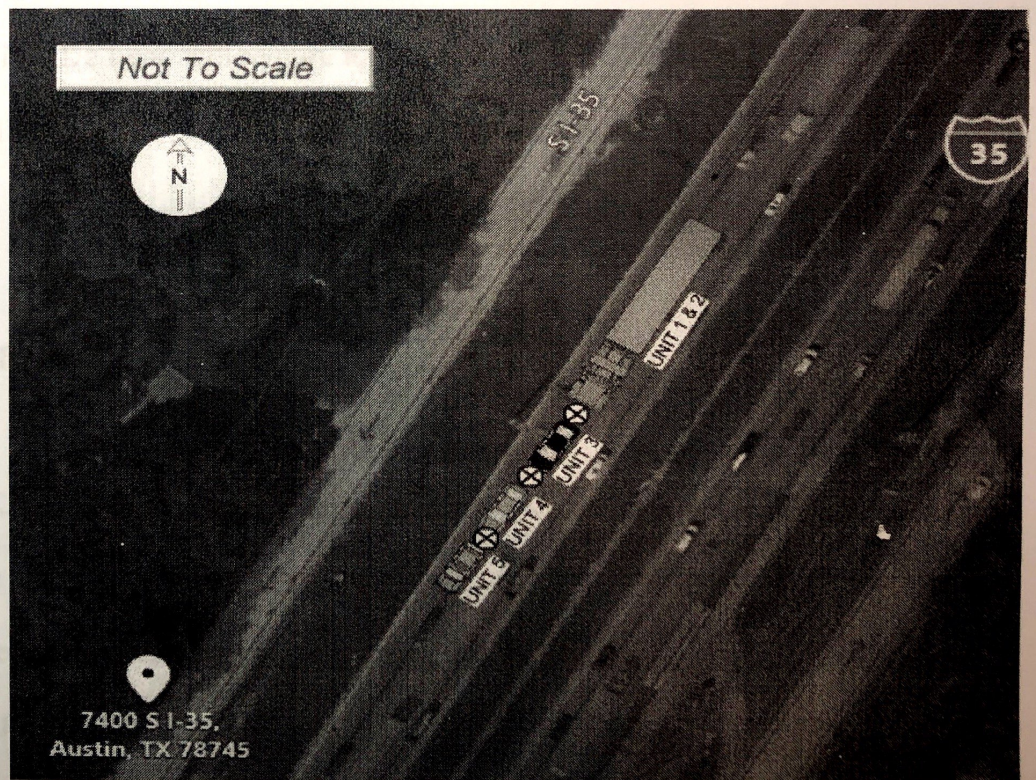
4.2 On October 15, 2019, JPF Trucking entrusted Khasanov with the operation of a

white 2019 Volvo tractor (VIN 4V4NC9EH2KN903759) in combination with a Cottrell automobile hauler (hereinafter, "JPF Trucking Tractor-Trailer"). Khasanov was driving the JPF Trucking Tractor-Trailer in the outside, southbound lane near the 7400 block of Interstate Highway 35 ("IH 35"). Traffic was heavy and congested on IH 35.

4.3 Meanwhile, Plaintiff Andrea De Leon was driving a 2016 black Kia Soul, traveling in the outside southbound lane on IH 35 – ahead of the JPF Trucking Tractor-Trailer. Ms. De Leon was traveling approximately 10 mph before coming to a complete stop due to traffic congestion.

4.4 Defendant Khasanov was distracted/inattentive and did not notice that all traffic was at a standstill ahead of him. He was traveling too fast and failed to control his speed. Without warning, Defendant Khasanov crashed the front end of the JPF Trucking Tractor-Trailer

in the rear-end of Ms. De Leon's Kia Soul compact SUV. The force from the impact propelled Ms. De Leon's vehicle forward, shoving her vehicle into the rear of a Ford Focus stopped in front of her. *See the Field Diagram the Texas Peace Officer's Crash Report to the right.*



4.5 Austin Police Department's Officer Eduardo Pineda investigated the crash with assistance from Officers Hanson and Crossen. Officer Hanson determined that Defendant Khasanov's negligence was the direct cause the collision because he failed to maintain assured clear distance. As such, Officer Pineda issued Citation No. E16786652 to Defendant Khasanov.

CHARGES	Unit Num.	Prsn. Num.	Charge	Citation/Reference Num.
	1	1	FAILURE TO MAINTAIN ASSURED CLEAR DISTANCE - COLLISION	E16786652

4.6 After the crash, Ms. De Leon received emergency medical treatment at St. David's South Austin Medical Center. After discharge, Ms. De Leon received follow-up care for primary injuries to her neck, shoulder, left hip, and low back. Ms. De Leon has since received orthopedic care, pain management, and physical rehabilitation for her injuries, but her injury symptoms continue today. Ms. De Leon will require future surgical care to address ongoing left-sided sacroiliac joint instability and pain, according to her treating orthopedic surgeon.

4.7 Defendants' negligent actions proximately caused the crash and Plaintiff's injuries and damages.

5.0 CAUSES OF ACTION

VICARIOUS LIABILITY

5.1 Defendant Khasanov was an employee, agent, and/or servant of Defendant JPF Trucking at the time of the crash made the basis of this cause of action. Moreover, Defendant Khasanov was acting in the course and scope of his employment with, and on behalf of, and in furtherance of Defendant JPF Trucking's business at the time of the crash. Defendant JPF Trucking is vicariously liable in this cause of action, as a matter of law, for any and all

negligence of Defendant Khasanov, as a result of the doctrine of *respondeat superior* under Texas law.

THE NEGLIGENCE OF ADKHAMJON KHASANOV

5.2 The conduct of Defendant Khasanov, as described herein, constituted negligence which was a proximate cause of the motor vehicle crash and Plaintiff's injuries and resulting damages. Defendant Khasanov committed the following acts and omissions amounting to negligence:

- a) Distracted driving and/or driver inattention;
- b) Failure to maintain proper lookout;
- c) Failure to maintain an assured clear distance;
- d) Failure to control the speed of the JPF Trucking Tractor-Trailer;
- e) Failure to timely apply his brakes; and
- f) Operating a motor vehicle in a manner that an ordinary and prudent person would not have operated under the same or similar circumstances.

5.3 Defendant Khasanov's above-described conduct, by act or omission, and whether considered singularly or in some combination, constituted negligence and negligence *per se*, which was a proximate cause of the incident and Plaintiff's injuries and resulting damages.

THE NEGLIGENCE *PER SE* OF DEFENDANTS

Motor Carrier Safety Regulations

5.4 In addition to common law duties which Defendants owed to others who operated motor vehicles on the public highway, Defendants owed duties under, and were governed by, the state and federal Motor Carrier Safety Regulations at all relevant times. Defendants violated certain provisions of the applicable state and federal Motor Carrier Safety Regulations, and such violations constitute negligence *per se* and such violations were a proximate cause of the crash

and Plaintiffs' injuries and damages.

Applicable Traffic Laws

5.5 In connection with the crash made the basis of this cause, Defendant Khasanov violated certain provisions of the Texas Transportation Code, specifically, Sections 545.062 (failure to maintain a safe assured distance) and 545.351 (failure to control speed). The conduct of Defendant Khasanov in this regard constituted negligence *per se*, which was a proximate cause of the crash and Plaintiffs' injuries and damages.

6.0 DAMAGES

6.1 Plaintiff Andrea De Leon seeks the following elements of damage:

- a) Medical expenses in the past;
- b) Medical expenses that, in reasonable probability, she will suffer in the future;
- c) Loss of earnings and/or earning capacity in the past;
- d) Loss of earning capacity that, in reasonable probability, she will suffer in the future;
- e) Physical pain suffered in the past;
- f) Physical pain that, in reasonable probability, she will suffer in the future;
- g) Mental anguish suffered in the past;
- h) Mental anguish that, in reasonable probability, she will suffer in the future;
- i) Physical impairment suffered in the past;
- j) Physical impairment that, in reasonable probability, she will suffer in the future;
- k) Physical disfigurement in the past; and
- l) Physical disfigurement that, in reasonable probability, she will suffer in the future.

6.2 The damages sought herein, exclusive of interest and costs, are within the jurisdictional limits of this court.

7.0 JURY DEMAND

7.1 Plaintiff hereby requests a trial by jury, pursuant to the United States Constitution 7th Amendment and the Texas Constitution article 1, section 15.

8.0 DISCOVERY – INITIAL DISCLOSURES

8.1 All parties to this lawsuit must make initial disclosures at or within 30 days after the filing of the first answer. TEX. R. CIV. P. 194. A party that is first served or otherwise joined after the filing of the first answer must make the initial disclosures within 30 days after being served or joined, unless a different time is set by the parties' agreement or court order. *Id*

9.0 RULE 193.7 NOTICE

9.1 Pursuant to Rule 193.7, Texas Rules of Civil Procedure, Plaintiff intends to rely upon the authenticity of any document Defendants produce in discovery.

10.0 PRAYER

10.1 WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that Defendants be served with citation and after a jury trial herein, Plaintiff has and recovers against Defendants the following relief:

- a) Judgment against Defendants for all of Plaintiff's actual damages, both general and special, as described above;
- b) Pre-judgment and post-judgment interest;
- c) Costs of court as authorized by Tex. R. Civ. P. 131; and
- d) Such other relief to which Plaintiff may be entitled, both general and special.

Respectfully submitted,

By: /s/ Timothy B. Moss

TIMOTHY B. MOSS

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ATTORNEY FOR PLAINTIFF

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Status as of 9/2/2021 11:03 AM CST

Associated Case Party: AndreaDe Leon

Name	BarNumber	Email	TimestampSubmitted	Status
Timothy Moss		tmoss@erskine-blackburn.com	8/30/2021 4:49:26 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jessica Sifuentes		jsifuentes@erskine-blackburn.com	8/30/2021 4:49:26 PM	SENT